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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,160	03/20/2007	Danny A. Grant	IMMR-0152A (434701-510)	3287
60140 7590 05/20/2009 IMMERSSION - NIXON PEABODY LLP 200 Page Mill Road Palo Alto, CA 94306			EXAMINER LEIBY, CHRISTOPHER E	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/20/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,160	<b>Applicant(s)</b> GRANT ET AL.	
	<b>Examiner</b> CHRISTOPHER E. LEIBY	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-11,13-15,17,20-23,25-29 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-11,13-15,17,20-23,25-29 and 31-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

1. **Claims 1-2, 4-6, 8-11, 13-15, 17, 20-23, 25-29, and 31-36** are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 31-36** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in applicant's disclosure is the newly claimed subject matter of wherein at least a portion of the first haptic effect and the second haptic effect are output at a same time.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-2, 4-6, 8-11, 13-15, 17, 20-23, 25-29, and 31-36** are rejected under 35 U.S.C. 103(a) as being obvious over **Rosenberg et al.** (US Patent 7,148,875), herein after referred to as Rosenberg.

Regarding independent **claim 1**, Rosenberg discloses a method, comprising: receiving an input signal associated with a reminder event (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*); determining a source of the reminder event; determining a type of the reminder event (*again column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder wherein specific force sensations are brought about to differentiate different events or characteristics of events such as particular users or priority of an event wherein a priority of an event is determining a type of the reminder event*); and outputting a control signal to an actuator (*figure 8a reference 86*), the control signal configured to cause the actuator to output a haptic effect associated with the source of the reminder event (*column 13 lines 30-48 reference signified using a vibration*) and output a haptic effect associated with the type of the reminder event (*column 14 lines 30-48 disclose wherein the force sensations can be modified to signify different events of the same type wherein one kind of event is disclosed as an appointment reminder wherein the priority of an event can dictate the type of force sensation disclosed hence a second or more haptic effect associated with the type of the reminder event*).

Rosenberg does not specifically disclose wherein a first haptic effect is used for a source and a second haptic effect is used for a type of event but Rosenberg does disclose differentiating (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate...different characteristics of events*) between

sources of events (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate different events"*).

One skilled in the art at the time of the invention would understand that a vibration of different frequencies is a haptic effect with a plurality of different haptic effects in series wherein one part of the vibration comprises portions of the plurality of haptic effects as disclosed by Rosenberg (*column 13 lines 30-48*).

Further it would have been obvious to one skilled in the art at the time of the invention that Rosenberg may vary the frequency to both differentiating different events AND different characteristics of events to provide a user with additional details without needing to look at the device without modification to the invention.

Regarding **claim 2**, Rosenberg discloses a method wherein the reminder event includes one of an appointment, a meeting, and a pre-scheduled activity (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*).

Regarding **claim 4**, Rosenberg discloses a method wherein the haptic effect is output to a handheld communication device (*figure 8 reference pda*).

Regarding **independent claim 5**, Rosenberg discloses a method, comprising: receiving an input signal associated with a status event (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*); determining a source of the status event; determining a type of the status event (*again column 13 lines 30-48 reference event occurring within the environment such as an*

*receipt of email wherein specific force sensations are brought about to differentiate different events or characteristics of events such as particular users sending email); and outputting a control signal to an actuator at a prescribed time after receiving the input signal (figure 8a reference 86), the control signal configured to cause the actuator to output a haptic effect associated with the source of the status event (column 13 lines 30-48 reference signified using a vibration) and output a haptic effect associated with the type of the status event (column 14 lines 30-48 disclose wherein the force sensations can be modified to signify different events of the same type wherein one kind of event is disclosed as receipt of email wherein the particular user sending the email can dictate the type of force sensation used hence a second or more haptic effect associated with the source of the status event).*

Rosenberg does not specifically disclose wherein a first haptic effect is used for a source and a second haptic effect is used for a type of event but Rosenberg does disclose differentiating (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate...different characteristics of events)* between sources of events (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate different events)*).

One skilled in the art at the time of the invention would understand that a vibration of different frequencies is a haptic effect with a plurality of different haptic effects in series wherein one part of the vibration comprises portions of the plurality of haptic effects as disclosed by Rosenberg (*column 13 lines 30-48*).

Further it would have been obvious to one skilled in the art at the time of the invention that Rosenberg may vary the frequency to both differentiating

different events AND different characteristics of events to provide a user with additional details without needing to look at the device without modification to the invention.

Regarding **claim 6**, Rosenberg discloses a method wherein the status event includes one of an advertisement event, a business-transaction event, a one-to-one marketing event, a stock-trading event, a weather-forecast event, an entertainment event (*column 13 lines 30-48 reference explosion in a game wherein games are normally entertainment events*), a sports event, and an emergency event.

Regarding **claim 8**, Rosenberg discloses a method further comprising extracting a haptic code from the input signal, the control signal being based at least in part on the haptic code (*figure 8 reference 86 and column 16 lines 46-55 and column 13 lines 30-48 wherein the actuator provides the vibration based on events wherein code is used to signify an event and output the vibration*).

Regarding **claim 9**, Rosenberg discloses a method wherein the haptic effect is output to a handheld communication device (*figure 8 reference pda*).

Regarding **independent claim 10**, Rosenberg discloses a computer-readable medium containing executable instructions which cause a data processing system to perform a method, the method (*column 6 lines 14-62 which describes circuitry that enables the touch pad to operate correctly which is inherent to have program code to operate the circuitry*), comprising: receiving an input signal associated with a reminder event (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*); determining a source of the reminder event; determining a type of the reminder event (*again column 13 lines 30-48 reference*

*event occurring within the environment such as an appointment reminder wherein specific force sensations are brought about to differentiate different events or characteristics of events such as particular users or priority of an event wherein a priority of an event is determining a type of the reminder event); and outputting a control signal to an actuator (figure 8a reference 86), the control signal configured to cause the actuator to output a haptic effect associated with the source of the reminder event (column 13 lines 30-48 reference signified using a vibration) and a haptic effect associated with the type of the reminder event (column 14 lines 30-48 disclose wherein the force sensations can be modified to signify different events of the same type wherein one kind of event is disclosed as an appointment reminder wherein the priority of an event can dictate the type of force sensation disclosed hence a second or more haptic effect associated with the type of the reminder event).*

Rosenberg does not specifically disclose wherein a first haptic effect is used for a source and a second haptic effect is used for a type of event but Rosenberg does disclose differentiating (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate...different characteristics of events)* between sources of events (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate different events)*).

One skilled in the art at the time of the invention would understand that a vibration of different frequencies is a haptic effect with a plurality of different haptic effects in series wherein one part of the vibration comprises portions of the plurality of haptic effects as disclosed by Rosenberg (*column 13 lines 30-48*).

Further it would have been obvious to one skilled in the art at the time of the invention that Rosenberg may vary the frequency to both differentiating



different events AND different characteristics of events to provide a user with additional details without needing to look at the device without modification to the invention.

Regarding **claim 11**, Rosenberg discloses a computer-readable medium wherein the reminder event includes one of an appointment (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*), a meeting, and a pre-scheduled activity.

Regarding **claim 13**, Rosenberg discloses a computer-readable medium further comprising generating a plurality of control signals, each control signal being associated with a haptic effect (*column 13 lines 30-48 reference wherein the force sensation/control signal can vary to signify different events of the same type, including different frequencies or pulses*).

Regarding **independent claim 14**, Rosenberg discloses a computer-readable medium containing executable instructions which cause a data processing system to perform a method, the method (*column 6 lines 14-62 which describes circuitry that enables the touch pad to operate correctly which is inherent to have program code to operate the circuitry*), comprising: for receiving an input signal associated with a status event (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*); determining a source of the status event; determining a type of the status event (*again column 13 lines 30-48 reference event occurring within the environment such as an receipt of email wherein specific force sensations are brought about to differentiate different events or characteristics of events such as particular users sending email*); and program code for outputting a control signal to an

actuator at a prescribed time after receiving the input signal (*figure 8a reference 86*), the control signal configured to cause the actuator to output a haptic effect associated with the source of the status event (*column 13 lines 30-48 reference signified using a vibration*) and output a haptic effect associated with the type of the status event (*column 14 lines 30-48 disclose wherein the force sensations can be modified to signify different events of the same type wherein one kind of event is disclosed as receipt of email wherein the particular user sending the email can dictate the type of force sensation used hence a second or more haptic effect associated with the source of the status event*).

Rosenberg does not specifically disclose wherein a first haptic effect is used for a source and a second haptic effect is used for a type of event but Rosenberg does disclose differentiating (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate...different characteristics of events*) between sources of events (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate different events*).

One skilled in the art at the time of the invention would understand that a vibration of different frequencies is a haptic effect with a plurality of different haptic effects in series wherein one part of the vibration comprises portions of the plurality of haptic effects as disclosed by Rosenberg (*column 13 lines 30-48*).

Further it would have been obvious to one skilled in the art at the time of the invention that Rosenberg may vary the frequency to both differentiating different events AND different characteristics of events to provide a user with additional details without needing to look at the device without modification to the invention.

Regarding **claim 15**, Rosenberg discloses a computer-readable medium wherein the status event includes one of an advertisement event, a business-transaction event, a one-to-one marketing event, a stock-trading event, a weather-forecast event, an entertainment event (*column 13 lines 30-48 reference explosion in a game wherein games are normally entertainment events*), a sports event, and an emergency event.

Regarding **claim 17**, Rosenberg discloses a computer-readable medium further comprising extracting a haptic code from the input signal, the control signal being based at least in part on the haptic code (*figure 8 reference 86 and column 16 lines 46-55 and column 13 lines 30-48 wherein the actuator provides the vibration based on events wherein code is used to signify an event and output the vibration*).

Regarding **independent claim 20**, Rosenberg discloses an apparatus, comprising: a body; a processor; an actuator coupled to the body and in communication with the processor (*figure 8a reference actuator 86 within the body and column 6 lines 14-62 which discloses a microprocessor*); and a memory in communication with the processor, the memory storing program code executable by the processor (*column 6 lines 14-62 which describes circuitry that enables the touch pad to operate correctly which is inherent to have program code to operate the circuitry*), including: program code for receiving an input signal associated with a reminder event (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*); program code for determining a source of the reminder event; program code for determining a type of the reminder event (*again column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder wherein specific force*

*sensations are brought about to differentiate different events or characteristics of events such as particular users or priority of an event wherein a priority of an event is determining a type of the reminder event); and program code for outputting a control signal to an actuator, the control signal configured to cause the actuator to output a haptic effect associated with the source of the reminder event (column 13 lines 30-48 reference signified using a vibration) and a haptic effect associated with the type of the reminder event (column 14 lines 30-48 disclose wherein the force sensations can be modified to signify different events of the same type wherein one kind of event is disclosed as an appointment reminder wherein the priority of an event can dictate the type of force sensation disclosed hence a second or more haptic effect associated with the type of the reminder event).*

Rosenberg does not specifically disclose wherein a first haptic effect is used for a source and a second haptic effect is used for a type of event but Rosenberg does disclose differentiating (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate...different characteristics of events)* between sources of events (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate different events)*).

One skilled in the art at the time of the invention would understand that a vibration of different frequencies is a haptic effect with a plurality of different haptic effects in series wherein one part of the vibration comprises portions of the plurality of haptic effects as disclosed by Rosenberg (*column 13 lines 30-48*).

Further it would have been obvious to one skilled in the art at the time of the invention that Rosenberg may vary the frequency to both differentiating different events AND different characteristics of events to provide a user with

additional details without needing to look at the device without modification to the invention.

Regarding **claim 21**, Rosenberg discloses an apparatus wherein the body is included in a handheld communication device (*figure 8 reference pda*).

Regarding **claim 22**, Rosenberg discloses an apparatus wherein the handheld communication device includes one of a cellular phone, a satellite phone, a cordless phone, a personal digital assistant (*figure 8 reference pda*), a pager, a two-way radio, a portable computer, a game console controller, a personal gaming device, and an MP3 player.

Regarding **claim 23**, Rosenberg discloses an apparatus wherein the reminder event includes one of an appointment (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*), a meeting, and a pre-scheduled activity.

Regarding **claim 25**, Rosenberg discloses an apparatus wherein the memory further stores a haptic lookup table, the selection being based on the haptic lookup table (*column 13 lines 30-48 reference wherein the force sensation/control signal can vary to signify different events of the same type*).

Such organizations of data do not emphasize any significance as what would be the benefit from applying such organization. Therefor, the examiner asserts that such values are based on the design of device and provide no specific improvements.

Regarding **independent claim 26**, Rosenberg discloses an apparatus, comprising: a body; a processor; an actuator coupled to the body and in communication with the processor (*figure 8a reference actuator 86 within the body and column 6 lines 14-62 which discloses a microprocessor*); and a memory in communication with the processor, the memory storing program code executable by the processor (*column 6 lines 14-62 which describes circuitry that enables the touch pad to operate correctly which is inherent to have program code to operate the circuitry*), including: program code for receiving an input signal associated with a status event (*column 13 lines 30-48 reference event occurring within the environment such as an appointment reminder*); program code for determining a source of the status event; program code for determining a type of the status event (*again column 13 lines 30-48 reference event occurring within the environment such as an receipt of email wherein specific force sensations are brought about to differentiate different events or characteristics of events such as particular users sending email*); and program code for output a control signal to an actuator at a prescribed time after receiving the input signal, the control signal configured to cause the actuator to output a haptic effect associated with the source of the status event (*column 13 lines 30-48 reference signified using a vibration*) and output a haptic effect associated with the type of the status event (*column 14 lines 30-48 disclose wherein the force sensations can be modified to signify different events of the same type wherein one kind of event is disclosed as receipt of email wherein the particular user sending the email can dictate the type of force sensation used hence a second or more haptic effect associated with the source of the status event*).

Rosenberg does not specifically disclose wherein a first haptic effect is used for a source and a second haptic effect is used for a type of event but Rosenberg does disclose differentiating (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate...different characteristics of events"*) between sources of events (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate different events"*).

One skilled in the art at the time of the invention would understand that a vibration of different frequencies is a haptic effect with a plurality of different haptic effects in series wherein one part of the vibration comprises portions of the plurality of haptic effects as disclosed by Rosenberg (*column 13 lines 30-48*).

Further it would have been obvious to one skilled in the art at the time of the invention that Rosenberg may vary the frequency to both differentiating different events AND different characteristics of events to provide a user with additional details without needing to look at the device without modification to the invention.

Regarding **claim 27**, Rosenberg discloses an apparatus wherein the body is a handheld communication device (*figure 8 reference pda*).

Regarding **claim 28**, Rosenberg discloses an apparatus wherein the handheld communication device includes one of a cellular phone, a satellite phone, a cordless phone, a personal digital assistant (*figure 8 reference pda*), a pager, a two-way radio, a portable computer, a game console controller, a personal gaming device, and an MP3 player.

Regarding **claim 29**, Rosenberg discloses an apparatus wherein the status event includes one of an advertisement event, a business-transaction event, a one-to-one marketing event, a stock-trading event, a weather-forecast event, an entertainment event (*column 13 lines 30-48 reference explosion in a game wherein games are normally entertainment events*), a sports event, and an emergency event.

Regarding **claim 30**, Rosenberg discloses an apparatus wherein the memory further stores program code for determining a source of the status event and selecting the control signal based at least in part on the determination (*column 13 lines 30-48 reference wherein the force sensation/control signal can vary to signify different events of the same type*).

Regarding **claims 31-36**, Rosenberg discloses a method of using haptic effects.

Rosenberg does not specifically disclose wherein a first haptic effect is used for a source and a second haptic effect is used for a type of event but Rosenberg does disclose differentiating (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate...different characteristics of events"*) between sources of events (*column 13 lines 30-48 disclose "different frequency can each be used to differentiate different events"*).

One skilled in the art at the time of the invention would understand that a vibration of different frequencies is a haptic effect with a plurality of different



haptic effects in series wherein one part of the vibration comprises portions of the plurality of haptic effects.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E. LEIBY whose telephone number is (571)270-3142. The examiner can normally be reached on 9 - 5 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

May 14<sup>th</sup>, 2009

/Alexander Eisen/  
Supervisory Patent Examiner, Art Unit 2629